

[Your Name]
[Your address, telephone and fax numbers]

Petitioner In *Propria Persona*

California Superior Court, _____County

People of California,) Case No.: [Case number]
)
Plaintiff,) Petition by [your name]
) Requesting Finding of Factual
vs.) Innocence and Issuance of
) Certificate of Identity Theft
[Defendant's name as it appears)
in Court records],) [Penal Code §§ 530.6 & 851.8,
) California Rule of Court 4.601]
Defendant)

1. I, the Petitioner [insert your name] reasonably believe that I am a victim of the crime of identity theft.

2. Based on the facts set forth below, I request:

- a. A finding of factual innocence (Penal Code, §§ 530.6 and 851.8), and
- b. Issuance of a *Certificate of Identity Theft: Judicial Finding of Factual Innocence*. (California Rule of Court 4.601.)

1 3. If available, a copy of the report of the suspected crime of
2 identity theft relating to my identity will be presented to the
3 judge at the hearing of this petition. It is not attached here
4 in order to protect the confidentiality of the personal
5 information contained in that document.

6
7 4. The following circumstances support this Petition:

8
9 *[To Petitioner: Check boxes that apply to your circumstances and fill in*
10 *corresponding blanks. Fully describe documents and bring originals or true*
11 *and correct copies of the documents (certified if possible) to all hearings.]*

12
13 a. An identity thief was cited in my name. I was not the
14 person cited.

15 Date of citation: _____

16 Violation of Law Stated in Citation: _____

17 Citation Number: _____

18 Name and Address of Agency that Issued the Citation:

19 _____
20

21 The original citation (or a true and correct copy of the
22 citation), if in my possession, will be presented to the
23 judge at the hearing of this petition. It is not attached
24 here in order to protect the confidentiality of the
25 personal information contained in that document.
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1 b. An identity thief was arrested, in my name. I am not the
2 person arrested.

3 Date of arrest: _____

4 Name and Address of Arresting Agency: _____

6
7 Arrest Warrant Number: _____

8 Name and Address of Agency that Issued the Warrant:

9 _____
10 A true and correct copy of the warrant, if in my
11 possession, will be presented to the judge at the hearing
12 of this petition. It is not attached here in order to
13 protect the confidentiality of the personal information
14 contained in that document.
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17
18 c. An identity thief was convicted in my name of a crime. I
19 am not the person convicted.

20 Date of conviction: _____

21 Crime involved (include section of law if known):

22 _____
23 Name and address of Court: _____

24 _____
25 Case Number: _____

26
27 A certified copy of the Judgment of conviction will be
28 presented to the judge at the hearing of this petition. It

1 is not attached here in order to protect the
2 confidentiality of the personal information contained in
3 that document.
4

5
6 d. A criminal complaint has been filed against an identity
7 thief in my name. I am not the person named in the
8 complaint:

9 Name and address of Court: _____
10 _____
11

12 Case Number: _____

13 Date Complaint was filed: _____

14 A certified copy of the Complaint will be presented to the
15 judge at the hearing of this petition. It is not attached
16 here in order to protect the confidentiality of the personal
17 information contained in that document.
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19
20 e. My identity has been mistakenly associated with a record
21 of criminal conviction. I am not the person named in the
22 record.
23

24 Date of conviction: _____

25 Name and address of Court: _____

26 Crime involved [include section of law if known]: _____
27 _____
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1 A true and correct copy of the record of criminal
2 conviction, if in my possession, will be presented to the
3 judge at the hearing of this petition. It is not attached
4 here in order to protect the confidentiality of the
5 personal information contained in that document.
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7
8 f. I was arrested for a crime committed by an identity thief
9 using my name. I did not commit the crime.

10 Date of Arrest: _____

11 Name and Address of Arresting Agency:

12 _____
13

14 Arrest Warrant Number: _____

15 Agency that Issued the Warrant: _____

16 A copy of the warrant, if in my possession, will be
17 presented to the judge at the hearing of this petition. It
18 is not attached here in order to protect the
19 confidentiality of the personal information contained in
20 that document.
21

22
23 Date I served the petition (required by Penal Code section
24 851.8) on the arresting agency: _____

25 Date I served that petition on the district attorney:

26 _____
27

28 Date that petition was denied: _____

1 A true and correct copy of the petition required by Penal
2 Code section 851.8 (including any attachments) will be
3 presented to the judge at the hearing of this petition. It
4 is not attached here in order to protect the
5 confidentiality of the personal information contained in
6 the document.
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9 5. There is no reasonable cause to believe that I committed the
10 offense for which he identity thief was arrested, cited,
11 convicted, or was the actual subject of a criminal complaint in
12 my name; or there is no reasonable cause to believe that my
13 identity has not been mistakenly associated with a record of
14 criminal conviction.
15

16 6. I will provide, to the judge, my basic personal
17 identification information, such as my full name, date of birth,
18 gender, weight, height, natural hair color, natural eye color,
19 race, and age, as well as my driver's license, identification
20 card, and passport (if available). However, such information is
21 not included in this Petition in order to protect the
22 confidentiality of that information.
23

24 7. The following additional facts and/or described documents
25 support this Petition: _____

26 (If necessary, attach a separate page marked "Attachment to Petition by [your
27 name] Seeking Certificate of Identity Theft, Supporting Paragraph Number 6".)
28

1 I declare under penalty of perjury under the laws of the state
2 of California that the foregoing is true and correct.

3 Dated this: **[Date]**

4 _____
5 [Your name]
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